



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Mitchell E. Daniels, Jr.
Governor

February 21, 2005

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

Thomas W. Easterly
Commissioner

VIA CERTIFIED MAIL

7002 0510 0004 2580 9676

Robert A. Kelsey
Quemetco, Inc.
7870 West Morris Street
Indianapolis, Indiana 46231

Dear Mr. Kelsey:

Re: NPDES Permit No. IN0053171
Quemetco, Inc.
Indianapolis, Indiana

Mason Co

Your application for a National Pollutant Discharge Elimination System (NPDES) permit for authorization to discharge into the waters of the State of Indiana has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IC 13-15, IDEM's permitting authority. All discharges from this facility shall be consistent with the terms and conditions of this permit.

One condition of your permit requires periodic reporting of several effluent parameters. Reporting is to be done using the enclosed state discharge monitoring report form. We have included enough forms to establish a supply for approximately four months of reporting. You should duplicate this form as needed for further reporting. This form is also available on the internet at the following web site: <http://www.IN.gov/idem/water/publications/appsforms.html#mro>. Additionally, you will soon be receiving a supply of the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317/232-8670.

Another condition which needs to be clearly understood concerns violation of the effluent limitations in the permit. Exceeding the limitations constitutes a violation of the permit and may subject the permittee to criminal or civil penalties. (See Part II A.2.) It is therefore urged that your office and treatment operator understand this part of the permit.

A response to the comments contained in the letter dated January 21st, 2005, from Robert A. Kelsey of Quemetco, Inc., pertaining to the draft NPDES permit is contained in the Post Public Notice Addendum. The Post Public Notice Addendum is located at the end of the Fact Sheet.

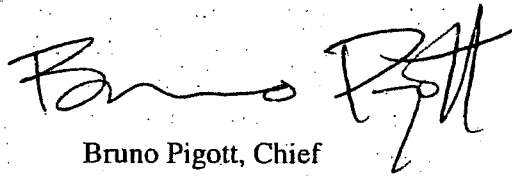
It should also be noted that any appeal must be filed under procedures outlined in IC 13-15-6, IC 4-21.5, and the enclosed Public Notice. The appeal must be initiated by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within eighteen (18) days of the mailing of this letter by filing at the following address:

Office of Environmental Adjudication
Indiana Government Center North
100 North Senate Avenue, Room 1049
Indianapolis, IN 46204

Please send a copy of any written appeal to me at the IDEM, 100 North Senate Avenue, Indianapolis, Indiana 46204.

If you have any questions concerning the permit, please contact Mr. Joe Gwinn at 317/233-8769. Questions concerning appeal procedures should be directed to the Office of Environmental Adjudication, at 317/232-8591.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruno Pigott', with a stylized flourish at the end.

Bruno Pigott, Chief
Permits Branch
Office of Water Quality

Enclosures

cc: U.S. EPA, Region V
Marion County Health Department

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq., the "Act"), and IDEM's authority under IC13-15,

QUEMETCO, INC.

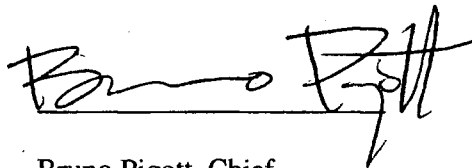
is authorized to discharge storm water from a secondary lead smelting and refining facility that is located 7870 West Morris Street, Indianapolis, Indiana to receiving waters named Julia Creek in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II, hereof.

Effective Date: April 1, 2005

Expiration Date: March 31, 2010

In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as are required by the Indiana Department of Environmental Management no later than 180 days prior to the date of expiration.

Signed this 21st day of February 2005 for the Indiana Department of Environmental Management.



Bruno Pigott, Chief
Permits Section
Office of Water Quality

TREATMENT FACILITY CLASSIFICATION

The discharger has a Class C industrial wastewater treatment plant, classified in accordance with 327 IAC 5-22, Classification of Wastewater Treatment Plants.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge from Outfall 002. The discharge is limited to storm water and plant site wash down waters. Samples taken in compliance with the monitoring requirements below shall be taken at a point representative of the discharge but prior to entry into Julia Creek. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS [1] [5]

<u>Parameter</u>	<u>Quantity Monthly Average</u>	<u>Daily Maximum</u>	<u>Units</u>	<u>Quality Monthly Average</u>	<u>Daily Maximum</u>	<u>Units</u>	<u>Monitoring Measurement Frequency</u>	<u>Requirements Sample Type</u>
Flow	Report	Report	MGD	---	---	---	[2]	24 Hour Total
TSS	---	---	---	Report	Report	mg/l	[2]	24-Hr Composite
Oil & Grease	---	---	---	10	15	mg/l	[2]	Grab
Antimony [4]	---	---	---	Report	Report	ug/l	[2]	24-Hr Composite
Arsenic [4]	---	---	---	Report	Report	ug/l	[2]	24-Hr Composite
Cadmium [4]	---	---	---	Report	Report	ug/l	[2]	24-Hr Composite
Lead [3][4]	---	---	---	Report	Report	ug/l	[2]	24-Hr Composite
Zinc [4]	---	---	---	Report	Report	ug/l	[2]	24-Hr Composite
pH	---	6.0 to 9.0	Std Units	---	---	---	[2]	Grab

- [1] The permittee may only discharge impounded storm water run-off in excess of the 10 year, 24-hour precipitation event for the Indianapolis area, as established by the National Climactic Center, National Oceanic and Atmospheric Administration in accordance with the monitoring requirements above. The permittee is required to maintain and operate their wastewater treatment unit such that any and all precipitation run-off present in quantities of less than or equal to a 10-year, 24-hour precipitation event is collected, treated and discharged to the Indianapolis sanitary sewer. It is understood that plant site wash down water may also be present in the discharge, because it is impossible to segregate the two (2) waste streams. No volume of wash down water may be counted as part of the 10-year, 24-hour precipitation event, although the incidental discharge of some wash down water is permitted, when in association with a precipitation event exceeding a 10-year, 24-hour storm event.

- [2] Monitoring of effluent parameters is required daily during periods of discharge. Three (3) individual samples taken at equally spaced time intervals for the duration of the discharge within a 24-hour period. Each sample is individually analyzed and the arithmetic mean of the concentrations reported as the value for the 24-hour period.
- [3] The daily maximum Aquatic Toxicity Acute (FAV) effluent limitation developed for lead is 524 ug/l. The goal of the permittee is to implement Best Management Practices (BMP's) in their Storm Water Pollution Prevention Plan (SWPPP). The SWPPP should address the reduction of the lead concentration in storm water discharges to levels equal to or below the established (FAV) daily maximum limitation mentioned above. This permit may be re-opened in accordance with Part I.E. of this permit to include effluent limitations for lead if this goal is not met.
- [4] The permittee shall measure and report the identified metals as total recoverable metals.
- [5] Any changes of the storm water discharge at the facility must be duly noted and the SWPPP developed and implemented as described in Part I.D. of the permit

B. NARRATIVE WATER QUALITY STANDARDS

At all times the discharge from any and all point sources specified within this permit shall not cause receiving waters:

- 1. including the mixing zone, to contain substances (e.g. foam), materials, floating debris, oil, scum, or other pollutants:
 - a. that will settle to form putrescent or otherwise objectionable deposits;
 - b. that are in amounts sufficient to be unsightly or deleterious;
 - c. that produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;
 - d. which are in amounts sufficient to be acutely toxic to , or to otherwise severely injure or kill aquatic life, other animals plants, or humans;

- e. which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.
- 2. outside the mixing zone, to contain substances in concentrations which on the basis of available scientific data are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals aquatic life, or plants.

C. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the discharge.

2. Discharge Monitoring Reports

- a. Calculations that require averaging of measurements of daily values (both concentrations and mass) shall use an arithmetic mean.
- b. Daily effluent values (both mass and concentration) that are less than the LOQ that are used to determine the monthly average effluent level shall be accommodated in calculation of the average using statistical methods that have been approved by the Commissioner.
- c. Effluent concentrations less than the LOD shall be reported on the Discharge Monitoring Report (DMR) forms as < (less than) the value of the LOD. For example, if a substance is not detected at a concentration of 0.1 $\mu\text{g/l}$, report the value as <0.1 $\mu\text{g/l}$.
- d. Effluent concentrations greater than or equal to the LOD and less than the LOQ that are reported on a DMR shall be reported as the actual value and annotated on the DMR to indicate that the value is not quantifiable.
- e. Mass discharge values which are calculated from concentrations reported as less than the value of the limit of detection shall be reported as less than the corresponding mass discharge value.

- f. Mass discharge values that are calculated from effluent concentrations greater than the limit of detection shall be reported as the calculated value.

The permittee shall submit federal and state discharge monitoring reports to the Indiana Department of Environmental Management containing results obtained during the previous month which shall be postmarked no later than the 28th day of the month following each completed monitoring period. The first report shall be submitted by the 28th day of the month following the month in which the permit becomes effective.

The Regional Administrator may request the permittee to submit monitoring reports to the Environmental Protection Agency if it is deemed necessary to assure compliance with the permit.

3. Definitions

- a. "Monthly Average" means the total mass or flow-weighted concentration of all daily discharges during a calendar month on which daily discharges are sampled or measured, divided by the number of daily discharges sampled and/or measured during such calendar month. The monthly average discharge is the highest allowable average monthly discharge for any calendar month.
- b. "Daily Discharge" means the total mass of a pollutant discharged during the calendar day or, in the case of a pollutant limited in terms other than mass pursuant to 327 IAC 5-2-11(e), the average concentration or other measurement of the pollutant specified over the calendar day or any twenty-four hour period that represents the calendar day for the purposes of sampling.
- c. "Daily Maximum" means the maximum allowable daily discharge for any calendar day.
- d. A 24-hour composite sample consists of at least 3 individual flow-proportioned samples of wastewater, taken by the grab sample method or by an automatic sampler, which are taken at approximately equally spaced time intervals for the duration of the discharge within a 24-hour period and which are combined prior to analysis. A flow-proportioned composite sample may be obtained by:
 - (1) recording the discharge flow rate at the time each individual sample is taken,

- (2) adding together the discharge flow rates recorded from each individual sampling time to formulate the "total flow" value,
 - (3) the discharge flow rate of each individual sampling time is divided by the total flow value to determine its percentage of the total flow value,
 - (4) then multiply the volume of the total composite sample by each individual sample's percentage to determine the volume of that individual sample which will be included in the total composite sample.
- e. Concentration-The weight of any given material present in a unit volume of liquid. Unless otherwise indicated in this permit, concentration values shall be expressed in milligrams per liter (mg/l).
- f. The "Regional Administrator" is defined as the Region V Administrator, U.S. EPA, located at 77 West Jackson Boulevard, Chicago, Illinois 60604.
- g. The "Commissioner" is defined as the Commissioner of the Indiana Department of Environmental Management, which is located at the following address: 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015.
- h. "Limit of Detection" means the minimum concentration of a substance that can be measured and reported with ninety-nine percent (99%) confidence that the analyte concentration is greater than zero (0) for a particular analytical method and sample matrix.
- i. "Limit of Quantitation or LOQ" means a measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calibrated at a specified concentration above the method detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant. This term is also sometimes called limit quantification or quantification level.

- j. "Method Detection Level or MDL" means the minimum concentration of an analyte (substance) that can be measured and reported with a ninety-nine percent (99%) confidence that the analyte concentration is greater than zero (0) as determined by procedure set forth in 40 CFR 136, Appendix B. The method detection level or MDL is equivalent to the LCD.

4. Test Procedure

The analytical and sampling methods used shall conform to the current version of 40 CFR 136. Multiple editions of Standard Methods for the Examination of Water and Wastewater are currently approved for most methods, however, 40 CFR Part 136 should be checked to ascertain if a particular method is approved for a particular analyte. The approved methods may be included in the texts listed below. However, different but equivalent methods are allowable if they receive the prior written approval of the Commissioner and the U.S. Environmental Protection Agency.

- a. Standard Methods for the Examination of Water and Wastewater 18th, 19th, or 20th Editions, 1992, 1995, or 1998, American Public Health Association, Washington, D.C. 20005.
- b. A.S.T.M. Standards, Parts 23, Water; Atmosphere Analysis 1972 American Society for Testing and Materials, Philadelphia, PA 19103.
- c. Methods for Chemical Analysis of Water and Wastes June 1974, Revised, March 1983, Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, OH 45202.

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The person(s) who performed the sampling or measurements;
- c. The dates the analyses were performed;
- d. The person(s) who performed the analyses;
- e. The analytical techniques or methods used; and

f. The results of all required analyses and measurements.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of this monitoring shall be included in the calculation and reporting of the values required in the monthly Discharge Monitoring Report (DMR). Such increased frequency shall also be indicated. Other monitoring data not specifically required in this permit (such as internal process or internal waste stream data) which is collected by or for the permittee need not be submitted unless requested by the Commissioner.

7. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. In cases where the original records are kept at another location, a copy of all such records shall be kept at the permitted facility. The three years shall be extended:

- a. automatically during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or regarding promulgated effluent guidelines applicable to the permittee; or
- b. as requested by the Regional Administrator or the Indiana Department of Environmental Management.

D. **STORM WATER POLLUTION PREVENTION PLAN**

1. Development of Plan

Within 12 months from the effective date of this permit, the permittee shall modify the existing Storm Water Pollution Prevention Plan (SWP3) for this permitted facility. The plan shall at a minimum contain the following:

- a. identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. Storm water associated with industrial activity (defined in 40 CFR 122.26(b)) includes, but is not limited to, the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or materials storage areas at an industrial plant;
- b. describe and ensure implementation of practices to minimize and control pollutants on storm water discharges associated with industrial activity at the facility; and
- c. assure compliance with the terms and conditions of this permit.

2. Contents

The plan shall include, at a minimum, the following items:

- a. Pollution Prevention Team – The plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team who are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.
- b. Description of Potential Pollutant Sources – The plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. The plan shall identify all activities and significant materials (defined in 40 CFR 122.26(b)) which may potentially be significant pollutant sources. The plan shall include, at a minimum:
 - (1) A site map indicating, at a minimum, the following:
 - (a) Location of each point of discharge of storm water associated with industrial activity and outline of the drainage area (with a prediction of the direction of flow) of each storm water outfall.
 - (b) Each existing structural control measure used to reduce pollutants in storm water runoff.

- (c) Surface water bodies.
 - (d) Locations where significant materials are exposed to precipitation.
 - (e) Locations where major spills or leaks identified under Part I.D.2.b.(3) have occurred.
 - (f) Location of fueling stations; vehicle and equipment maintenance and/or cleaning areas; storage areas for vehicles and equipment with actual or potential fluid leaks; loading/unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; processing areas; storage areas; and all monitoring locations.
 - (g) The site map must also indicate the types of discharges contained in the drainage areas of the outfalls (e.g., storm water and air condensate).
- (2) Inventory of Exposed Materials – An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such an inventory shall include a narrative description of the following:
- (a) Significant materials, that are in the three (3) year period prior to the effective date of the permit, have been treated, stored or disposed in a manner to allow exposure to storm water.
 - (b) Method and location of onsite storage or disposal of significant materials.
 - (c) Dirt or gravel parking areas for storage of vehicles to be maintained.
 - (d) Past and present materials management practices employed to minimize contact of materials with storm water run-off.
 - (e) The location and description of existing structural and nonstructural control measures to reduce pollutants in storm water run-off.

- (f) A description of any treatment the storm water receives, including the ultimate disposal of any solid or fluid wastes other than by discharge.
 - (3) Spills and Leaks - A list of significant spills and leaks of toxic pollutants or hazardous substances as defined in 327 IAC 5-1.5 that occurred at the facility within the three (3) year period prior to the effective date of the permit. The list shall be updated within ninety (90) days from the date when a significant spill or leak of toxic pollutants or hazardous substances occurs and shall include a description of the materials released, an estimate of the volume of the release, the location of the release and a description of any remediation or clean-up measures taken.
 - (4) Sampling Data - A summary of existing sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.
 - (5) Summary of Potential Pollutants - A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes, and onsite waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter of concern shall be identified.
- c. Measures and Controls – The facility shall be operated and maintained in such a manner that exposure of storm water to potential sources of significant pollutant materials is minimized. The permittee shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources or pollutants at the facility.
- (1) The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:
 - (a) Good Housekeeping – All areas that may contribute pollutants to storm water discharges shall be maintained in a clean, orderly manner.

- (b) Preventative Maintenance – A preventative maintenance program shall include timely inspection and maintenance of storm water management devices, as well as, inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.
- (c) Spill Prevention and Response Procedures – Areas where potential spills could contribute pollutants to storm water discharges, and their accompanying drainage points, shall be identified clearly in the storm water pollution prevention plan. The program shall include, at a minimum, procedures for the following:
 - i. Proper spill response and clean-up.
 - ii. Reporting a spill to the appropriate facility personnel and, if appropriate, local/state emergency response personnel.
 - iii. Routine maintenance and inspection of spill response/clean-up materials and equipment.
- (d) Inspections – Qualified facility personnel shall be identified to inspect designated equipment and areas of the facility on a quarterly basis. A set of tracking or follow up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspection shall be maintained.
- (e) Employee Training – Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management of the components and goals of the storm water pollution prevention plan. Training, at a minimum, shall:
 - i. Address topics, such as, spill response, good housekeeping, and material management practices.
 - ii. Occur at least once a year.

- (f) Recordkeeping and Internal Reporting Procedures – A description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of storm water discharges shall be included in the pollution prevention plan. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.
- (g) Sediment and Erosion Control – The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.
- (h) Management of Runoff – The plan shall contain a narrative consideration of the appropriateness of storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site.

The plan shall provide for the implementation and maintenance of measures that the permittee determines to be reasonable and appropriate. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity shall be considered when determining reasonable and appropriate measures.

Appropriate measures or other equivalent measures may include: vegetative swales and practices, reuse of collected storm water (such as for process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

- d. Comprehensive Site Compliance Evaluation – Qualified personnel shall conduct a comprehensive site compliance evaluation, at least once per year, to confirm the accuracy of the description of potential pollution sources contained in the plan, determine the effectiveness of the plan, and assess compliance with the permit. Such evaluations shall provide:

- (1) Areas contributing to a storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.
- (2) Based on the results of the evaluation, the description of potential pollutant sources identified in the plan in accordance with Part I.D.2.b. of this permit and pollution prevention measures and controls identified in the plan in accordance with Part I.D.2.c. of this permit shall be revised as appropriate within 2 weeks of such evaluation and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 12 weeks after the evaluation.
- (3) A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with the above paragraph shall be made and retained as part of the storm water pollution prevention plan for at least 3 years after the date of the evaluation. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with the signatory requirements of Part II.C.7. of this permit.
- (4) Where compliance evaluation schedules overlap with inspections required under Part I.D.2.c.(1)(d), the compliance evaluation may be conducted in place of one such inspection.

3. General Requirements

General requirements of a SWP3 shall include the following:

- a. The permittee shall submit a progress report to the Compliance Evaluation Section of the Office of Water Quality six (6) months after the effective date of the permit regarding the development and implementation of the plan.
- b. The plan shall be certified by a qualified professional. The term qualified professional means an individual who is trained and experienced in water treatment techniques and related fields as may be demonstrated by state registration, professional certification, or completion of course work that enable the individual to make sound, professional judgments regarding storm water control/treatment and monitoring, pollutant fate and transport, and drainage planning.
- c. The permittee shall submit written certification to the Compliance Evaluation Section of the Office of Water Quality within twelve (12) months from the effective date of the permit stating that the plan has been developed and implemented. The SWP3 shall be retained on-site and be available for review by a representative of the Commissioner upon request. The plan is not required to be submitted to IDEM for review.
- d. The permittee shall amend the plan whenever there is a change in design, construction, operation or maintenance at the facility, which may have a significant effect on the potential for the discharge of pollutants to surface waters of the state, or upon written notice by the Commissioner that the SWP3 proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity.

E. REOPENING CLAUSES

This permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing:

1. to comply with any applicable effluent limitation or standard issued or approved under 301(b)(2)(C),(D) and (E), 304 (b)(2), and 307(a)(2) of the Clean Water Act, if the effluent limitation or standard so issued or approved:
 - a. contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - b. controls any pollutant not limited in the permit.

2. to incorporate any of the reopening clause provisions cited at 327 IAC 5-2-16.
3. to include effluent limitations and requirements for a revised Storm Water Pollution Prevention Plan. Effluent limitations for Lead and requirements for a revised Storm Water Pollution Prevention Plan, maybe included if the Storm Water Pollution Prevention Plan does not reduce the effluent concentrations of Lead, as required in footnote [3] of Part I.A.1.

PART II
STANDARD CONDITIONS FOR NPDES PERMITS

A. GENERAL CONDITIONS

1. Duty to Comply

The permittee shall comply with all conditions of this permit in accordance with 327 IAC 5-2-8(1). Any permit noncompliance constitutes a violation of the Clean Water Act, and the Environmental Management Act, and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee may claim an affirmative defense to permit violation if the circumstances of the noncompliance meet the criteria of an upset as defined in Part II.B.3 of this permit.

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. Penalties for Violations of Permit Conditions

Pursuant to IC 13-30-4, a person who violates any provision of this permit, the water pollution control laws; environmental management laws; or a rule or standard adopted by the Water Pollution Control Board is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) per day of any violation. Pursuant to IC 13-30-5, a person who obstructs, delays, resists, prevents, or interferes with (1) the department; or (2) the department's personnel or designated agent in the performance of an inspection or investigation commits a class C infraction. Pursuant to IC 13-30-6, a person who intentionally, knowingly, or recklessly violates any provision of this permit, the water pollution control laws or a rule or standard adopted by the Water Pollution Control Board commits a class D felony punishable by the term of imprisonment established under IC 35-50-2-7(a) (up to one year), and/or by fine of not less than five thousand dollars (\$5,000) and not more than fifty thousand dollars (\$50,000) per day of violation. A person convicted for a violation committed after a first conviction of such person under this provision is subject to a fine of not more than one hundred thousand (\$100,000) per day of violation, or by imprisonment for not more than two (2) years, or both.

3. Duty to Mitigate

Pursuant to 327 IAC 5-2-8(3), the permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

4. Permit Modification, Revocation, and Reissuance, and Termination

Pursuant to 327 IAC 5-2-8(4)(A), 327 IAC 5-2-8(4)(C) and 327 IAC 5-2-16(b), this permit may be modified, revoked and reissued, or terminated for cause, including, but not limited to, the following:

- a. Violation of any term or condition of this permit.
- b. Failure of the permittee to disclose fully all relevant facts or misrepresentation of any relevant facts by the permittee in the application or during the permit issuance process.
- c. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by this permit.

The filing of a request by the permittee for a permit modification, revocation, and reissuance, or termination, or any information specified in Part II.A.5 of this permit does not stay or suspend any permit term or condition.

Pursuant to 327 IAC 5-2-8(10)(F), the permittee shall submit any information that the permittee knows or has reason to believe would constitute cause for modification or revocation and reissuance of the permit at the earliest time such information becomes available, such as plans for physical alterations or additions to the permitted facility that:

- a. could significantly change the nature of, or increase the quantity of, pollutants discharged; or
- b. the commissioner may request to evaluate whether such cause exists.

5. Duty to Provide Information Requested by the Commissioner

Pursuant to 40 CFR 122.41(h), the permittee shall furnish to the Commissioner, within reasonable time, any information which the Commissioner may request to determine compliance with this permit. Pursuant to 327 IAC 5-1-3, the permittee shall furnish to the Commissioner any reports or data necessary to carry out the provisions of 327 IAC 5 in such a manner as the Commissioner may reasonably prescribe.

6. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a renewal of this permit in accordance with 327 IAC 5-2-8(2). It is the permittee's responsibility to obtain and submit the application. Pursuant to 327 IAC 5-3-2(a)(2), the application must be submitted at least 180 days in advance of the expiration date of this permit. The Commissioner may grant permission to submit an application less than 180 days in advance of the expiration date of this permit but no later than the permit expiration date.

7. Permit Transfer

In accordance with 327 IAC 5-2-6(c), this permit may be transferred to another person by the permit, without modification or revocation and reissuance being required under 327 IAC 5-2-16(c)(1) or 16(e)(4), if the following occurs:

- a. The current permittee notified the commissioner at least thirty (30) days in advanced of the proposed transfer date.
- b. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current permittee and the transferee (including acknowledgement that the existing permittee is liable for violations up to the date, and that the transferee is liable for violations from that date on) is submitted to the commissioner.

- c. The Commissioner, within thirty (30) days, does not notify the current permittee and the transferee certifies in writing to the commissioner their intent to operate the facility without making such material and substantial alterations or additions to the facility as would significantly change the nature or quantities of pollutants discharged and thus constitute cause for permit modification under 327 IAC 5-2-16(d). However, the commissioner may allow a temporary transfer of the permit without the permit modification for good cause, e.g., to enable the transferee to purge and empty the facility's treatment system prior to making alterations, despite the transferee's intent to make such material and substantial alterations or additions to the facility.
- d. The commissioner, within thirty (30) days, does not notify the current permittee and the transferee of the intent to modify, revoke and reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

The Commissioner may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

8. Toxic Pollutants

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant injurious to human health and that standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition in accordance with 327 IAC 5-2-8(5). Effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants injurious to human health are effective and must be complied with, if applicable to the permittee, within the time provided in the implementing regulations, even absent permit modification.

9. Operator Certification

The permittee shall have the wastewater treatment facilities under supervision of an operator certified by the Commissioner as required by IC 13-18-11 and 327 IAC 5-22.

10. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Clean Water Act.

11. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal actions or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any application state law or regulation under authority preserved by Section 510 of the Clean Water Act.

12. Property Rights

Pursuant to 327 IAC 5-2-8(6), the issuance of this permit does not convey any property right of any sort or any exclusive privileges.

13. Severability

In accordance with 327 IAC 1-1-3, the provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any person or circumstances is held invalid, the application or such provision to other circumstances and the remainder of this permit shall not be affected thereby if such provisions can be given effect without the invalid provision or application.

14. Inspection and Entry

Pursuant to 327 IAC 5-2-8(7), the permittee shall allow the Commissioner, or an authorized representative (including an authorized contractor acting as a representative of the commissioner), upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a point source is located, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

- c. Inspect, at reasonable times:
 - (1) any monitoring equipment or method;
 - (2) any collection, treatment, pollution management, or discharge facilities; or
 - (3) practices required or otherwise regulated under the permit.
- d. Sample or monitor at reasonable time, any discharge of pollutants or internal wastestream (where necessary to ascertain the nature of a discharge of pollutants) for the purpose of evaluating compliance with this permit or as otherwise authorized.

15. Construction Permit

In accordance with IC 13-14-8-11.6, a discharger is not required to obtain a state permit for the modification or construction of a water pollution treatment or control facility if the discharger has an effective NPDES permit.

If the discharger modifies their existing water pollution treatment or control facility or constructs a new water pollution treatment or control facility for the treatment or control of any new influent pollutant or increased levels of any existing pollutant, then, within thirty (30) days after commencement of operation, the discharger shall file with the Department of Environment Management a notice of installation for the additional pollutant control equipment and a design summary of any modifications.

The notice and design summary shall be sent to the Office of Water Quality, Industrial NPDES Permits Section, P.O. Box 6015, Indianapolis, IN 46206-6015.

B. MANAGEMENT REQUIREMENTS

1. Proper Operation and Maintenance

The permittee shall at all times maintain in good working order and efficiently operate all facilities and systems (and related appurtenances) for the collection and treatment which are installed or used by the permittee and which are necessary for achieving compliance with the terms and conditions of this permit in accordance with 327 IAC 5-2-8(8).

2. Bypass of Treatment Facilities

Pursuant to 327 IAC 5-2-8(11)

a. Terms as defined in 327 IAC 5-2-8(11)(A):

- (1) "Bypass" means the intentional diversion of a waste stream from any portion of a treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. The permittee may allow a bypass to occur that does not exceed any effluent limitations contained in this permit, but only if it is essential maintenance to assure efficient operation. The permittee is not required to notify the Commissioner about bypasses that meet this definition. This provision will be strictly construed. These bypasses are not subject to the provisions of Part II.B.2.d and e of this permit.

c. Bypasses, as defined in (a) above, are prohibited, and the Commissioner may take enforcement action against a permittee for bypass, unless the following occur:

- (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, as defined above;
- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
- (3) The permittee submitted notices as required under Part II.B.2.e; or

- (4) The condition under Part II.B.2.b above is met.
- d. Bypasses that result in death or acute injury or illness to animals or humans must be reported in accordance with the "Spill Response and Reporting Requirements" in 327 IAC 2-6.1.
- e. The permittee must provide the Commissioner with the following notice:
 - (1) If the permittee knows or should have known in advance of the need for a bypass (anticipated bypass), it shall submit prior written notice. If possible, such notice shall be provided at least ten (10) days before the date of the bypass for approval by the Commissioner.
 - (2) The permittee shall orally report an unanticipated bypass that exceeds any limitations in the permit within 24 hours of becoming aware of the bypass noncompliance. The permittee must also provide a written report within five (5) days of the time the permittee becomes aware of the bypass event. The written report must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; if the cause of noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the bypass event.
- f. The Commissioner may approve an anticipated bypass, after considering its adverse effects, if the Commissioner determines that it will meet the conditions listed above in Part II.B.2.c. The Commissioner may impose any conditions determined to be necessary to minimize any adverse effects.

3. Upset Conditions

Pursuant to 327 IAC 5-2-8(12):

- a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Paragraph c of this subsection, are met.
- c. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:
 - (1) An upset occurred and the permittee has identified the specific cause(s) of the upset, if possible;
 - (2) The permitted facility was at the time being operated in compliance with proper operation and maintenance procedures;
 - (3) The permittee complied with any remedial measures required under Part II.A.3, and
 - (4) The permittee submitted notice of the upset as required in the "Twenty-Four Hour Reporting Requirements," Part II.C.4, or 327 IAC 2-6.1, whichever is applicable.

4. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State and to be in compliance with all Indiana statutes and regulations relative to liquid and/or solid waste disposal.

C. **REPORTING REQUIREMENTS**

1. **Planned Changes in Facility or Discharge**

Pursuant to 327 IAC 5-2-8(10)(F), the permittee shall give notice to the Commissioner as soon as possible of any planned alterations or additions to the facility. In this context, permit facility refers to a point source discharge, not a wastewater treatment facility. Notice is required only when either of the following applies:

- a. The alteration or addition may meet one of the criteria for determining whether the facility is a new source as outlined in 327 IAC 5-1.5.
- b. The alteration or addition could significantly change the nature of, or increase the quantity of, pollutants discharge. This notification applies to pollutants that are subject either to effluent limitations in Part I.A. or to notification requirements in Part II.C.9. of this permit.

Following such notice, the permit may be modified to revise existing pollutant limitations and/or to specify and limit any pollutants not previously limited.

2. **Monitoring Reports**

Pursuant to 327 IAC 5-2-8(9) and 327 IAC 5-2-13 through 15, monitoring results shall be reported at the intervals and in the form specified in "Discharge Monitoring Reports", Part I.C.2.

3. **Twenty-Four Hour Reporting Requirements**

Pursuant to 327 IAC 5-2-8(10)(C), the permittee shall orally report to the Commissioner information on the following types of noncompliance within 24 hours from the time permittee becomes aware of such noncompliance. If the noncompliance meets the requirements of item b (Part II.C.3.b) or 327 IAC 2-6.1, then the report shall be made within those prescribed time frames.

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit;

- b. Any noncompliance which may pose a significant danger to human health or the environment. Reports under this item shall be made as soon as the permittee becomes aware of the noncomplying circumstances;
- c. Any upset that causes an exceedance any effluent limitations in the permit;
- d. Violation of a maximum daily discharge limitation for any of the following toxic pollutants:

The permittee can make the oral reports by calling (317)232-8670 during regular business hours or by calling (317) 233-7745 ((888)233-7745 toll free in Indiana) during non-business hours. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence. The Commissioner may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. Alternatively the permittee may submit a "Bypass Fax Report" or a "Noncompliance Notification Report", whichever is appropriate, to IDEM at (317) 232-8637. If a complete fax submittal is sent within 24 hours of the time that the permittee became aware of the occurrence, then the fax report will satisfy both the oral and written reporting requirements.

4. Other Noncompliance

Pursuant to 327 IAC 5-2-8(10)(D), the permittee shall report any instance of noncompliance not reported under the "Twenty-Four Hour Reporting Requirements" in Part II.C.4, or any compliance schedules at the time the pertinent Discharge Monitoring Report is submitted. The report shall contain the information specified in the compliance schedule.

5. Other Information

Pursuant to 327 IAC 5-2-8(10)(E), where the permittee becomes aware of a failure to submit any relevant facts or submitted incorrect information in a permit application or in any report, the permittee shall promptly submit such facts or corrected information to the Commissioner.

6. Signatory Requirements

Pursuant to 327 IAC 5-2-22 and 327 IAC 5-2-8(14):

- a. All reports required by the permit and other information requested by the Commissioner shall be signed and certified by a person described below or by a duly authorized representative of that person:
 - (1) For a corporation: by a responsible corporate officer defined as a president, secretary, treasurer, any vice-president of the corporation in charge of a principal business function, or any other person who performs similar policymaking or decision making functions for the corporation or the manager of one or more manufacturing, production or operating facilities employing more than two hundred fifty (250) persons or having the gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second quarter 1980 dollars), if authority to sign documents has been assigned to the manager in accordance with corporate procedures.
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a Federal, State, or local government body or any agency or political subdivision thereof: by either a principal executive officer or ranking elected official.
- b. A person is duly authorized representative only if:
 - (1) The authorization is made in writing by a person described above.
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or a position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - (3) The authorization is submitted to the Commissioner.

- c. Certification. Any person signing a document identified under Part II.C.6., shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering in the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

7. Availability of Reports

Except for data determined to be confidential under 327 IAC 12.1, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Indiana Department of Environmental Management and the Regional Administrator. As required by the Clean Water Act, permit applications, permits, and effluent data shall not be considered confidential.

8. Penalties for Falsification of Reports

IC 13-30 and 327 IAC 5-2-8(14) provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance, shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 180 days per violation, or by both.

9. Changes in Discharge of Toxic Substances

Pursuant to 327 IAC 5-2-9, the permittee shall notify the Commissioner as soon as it knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge of any pollutant identified as toxic, pursuant to Section 307(a) of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels."

- (1) One hundred micrograms per liter ($100\mu\text{g/l}$);
 - (2) Two hundred micrograms per liter ($200\mu\text{g/l}$) for acrolein and acrylonitrile; five hundred micrograms per liter ($500\mu\text{g/l}$) for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one milligram per liter (1mg/l) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - (4) A notification level established by the Commissioner on a case-by-case basis, either at his own initiative or upon a petition by the permittee. This notification level may exceed the level specified in subdivisions (1), (2), or (3) but may not exceed the level which can be achieved by the technology-based treatment requirements applicable to the permittee under the CWA (see 327 IAC 5-5-2).
- b. That it has begun or expects to begin to use or manufacture, as an intermediate or final product or byproduct; any toxic pollutant which was not reported in the permit application under 40 CFR 122.219(g)(9).

Fact Sheet
December, 2004

Facility Name and Location

Quemetco, Inc.
7870 West Morris Street
Indianapolis, Indiana 46231
Marion County
NPDES Permit No. IN0053171

Corporate Name and Location

Eco-Bat Indiana LLC
2777 Stemmons Freeway
Dallas, Texas 75207

A. Introduction

Quemetco, Inc. has applied for the renewal of National Pollutant Discharge Elimination System (NPDES) Permit No. IN0053171. This permit regulates the discharge of Storm Waters from Outfall 002 at the permittee's Indianapolis, Indiana facility to a water of the state. The current NPDES was effective on February 1, 1999 and expired on November 30, 2003. It is administratively extended due to the fact they submitted a timely renewal application in accordance with 327 IAC 5-2.

A five (5) year permit is proposed in accordance with 327 IAC 5-2-6(a).

B. Facility Description

Quemetco, Inc. is classified under Standard Industrial Classification (SIC) code 3341 - Secondary Lead Smelting and Refining of Nonferrous Metals.

The facility recycles lead acid batteries and other lead bearing materials to produce lead, lead alloys and plastic chips.

A map showing the location of the facility is appended as Attachment I.

C. Wastewater Sources and Treatment

The permittee may only discharge impounded storm water run-off in excess of the 10 year, 24-hour precipitation event for the Indianapolis area, as established by the National Climactic Center, National Oceanic and Atmospheric Administration in accordance with the monitoring requirements above. The permittee is required to maintain and operate their wastewater treatment unit such that any and all precipitation run-off present in quantities of less than or equal to a 10-year, 24-hour precipitation event is collected, treated and discharged to the Indianapolis sanitary sewer. It is understood that plant site wash down water may also be present in the discharge, because it is impossible to segregate the two (2) waste streams. No volume of wash down water may be counted as part of the 10-year, 24-hour precipitation event, although the incidental discharge of some wash down water is permitted, when in association with a precipitation event exceeding a 10-year, 24-hour storm event.

All storm water from the facility is collected by a collection trench located on three (3) sides of the site. The trench system leads to an 800,000 gallon tank. The combined capacity of the collection system is designed to contain an amount of run-off equivalent to a 10-year, 24-hour precipitation event. Storm water is pumped from the collection system to be treated and then discharged to the Indianapolis sanitary sewer. The collection system consists of an 800,000gallon tank and three (3) 350,000 gallon tanks.

Storm water run-off from a precipitation event has the potential for a direct discharge to Julia Creek via Outfall 002. Although any direct discharge is very unlikely, the permittee wishes to maintain a NPDES permit to discharge under such circumstances.

Treatment of the process wastewater and storm water run-off includes

- 1) pH adjustment, coagulation and hydroxide precipitation of metals.
- 2) flocculation and clarification.
- 3) and final polishing utilizing sand filtration.

The treatment system is able to treat up to 400,000 gallons of wastewater per day.

The discharger has a Class C industrial wastewater treatment plant, classified in accordance with 327 IAC 5-22, Classification of Wastewater Treatment Plants.

D. Receiving Stream and Use Classification

Receiving Water: The $Q_{7,10}$ low flow value of Julia Creek is 0.00 CFS.

Use Classification: Julia Creek shall be capable of supporting a well-balanced warm water aquatic community and full body contact recreation in accordance with 327 IAC 2-1-3.

E. Permit Compliance History

A review of the DMR's and files indicates no violations of their permits discharge limits.

F. Effluent Limitations Rationale

According to 40 CFR 122.44 and 327 IAC 5, NPDES permit limits are based on technology-based limitations, where applicable, best professional judgment (BPJ), and Indiana Water Quality-Based Effluent Limitations (WQBELs), whichever is most stringent. The decision to limit or monitor the parameters contained in this permit is based on information contained in the permittee's NPDES application and previous permit.

DISCHARGE LIMITATIONS

<u>Parameter</u>	<u>Quantity Monthly Average</u>	<u>Daily Maximum</u>	<u>Units</u>	<u>Quality Monthly Average</u>	<u>Daily Maximum</u>	<u>Units</u>	<u>Monitoring Measurement Frequency</u>	<u>Requirements Sample Type</u>
Flow	Report	Report	MGD	---	---	---	[2]	24 Hour Total
TSS	---	---	---	Report	Report	mg/l	[2]	24-Hr Composite
Oil & Grease	---	---	---	10	15	mg/l	[2]	Grab
Antimony	---	---	---	Report	Report	ug/l	[2]	24-Hr Composite
Arsenic	---	---	---	Report	Report	ug/l	[2]	24-Hr Composite
Cadmium	---	---	---	Report	Report	ug/l	[2]	24-Hr Composite
Lead	---	---	---	Report	Report	ug/l	[2]	24-Hr Composite
Zinc	---	---	---	Report	Report	ug/l	[2]	24-Hr Composite
pH	---	6.0 to 9.0	Std Units	---	---	---	[2]	Grab

- Flow

This parameter is required of all NPDES permits and is included in this permit in accordance with 327 IAC 5-2-13(a)(2).

- pH

This parameter is required of all NPDES permits and is included in this permit in accordance with 327 IAC 2-1.5-8(c)(2).

- Cadmium and Oil & Grease

These parameters are not covered by 40 CFR 421, but monitoring data indicates some presence of these parameters in the run-off from the site.

- TSS, Antimony, Arsenic, Lead, and Zinc

These parameters are regulated by the federal effluent guidelines contained in 40 CFR 421 – Nonferrous Metals Manufacturing Point Source Category; Subpart M – Secondary Lead Subcategory. Therefore, it is reasonable to expect them to be present at the plant site and present to some degree in the run-off from the site.

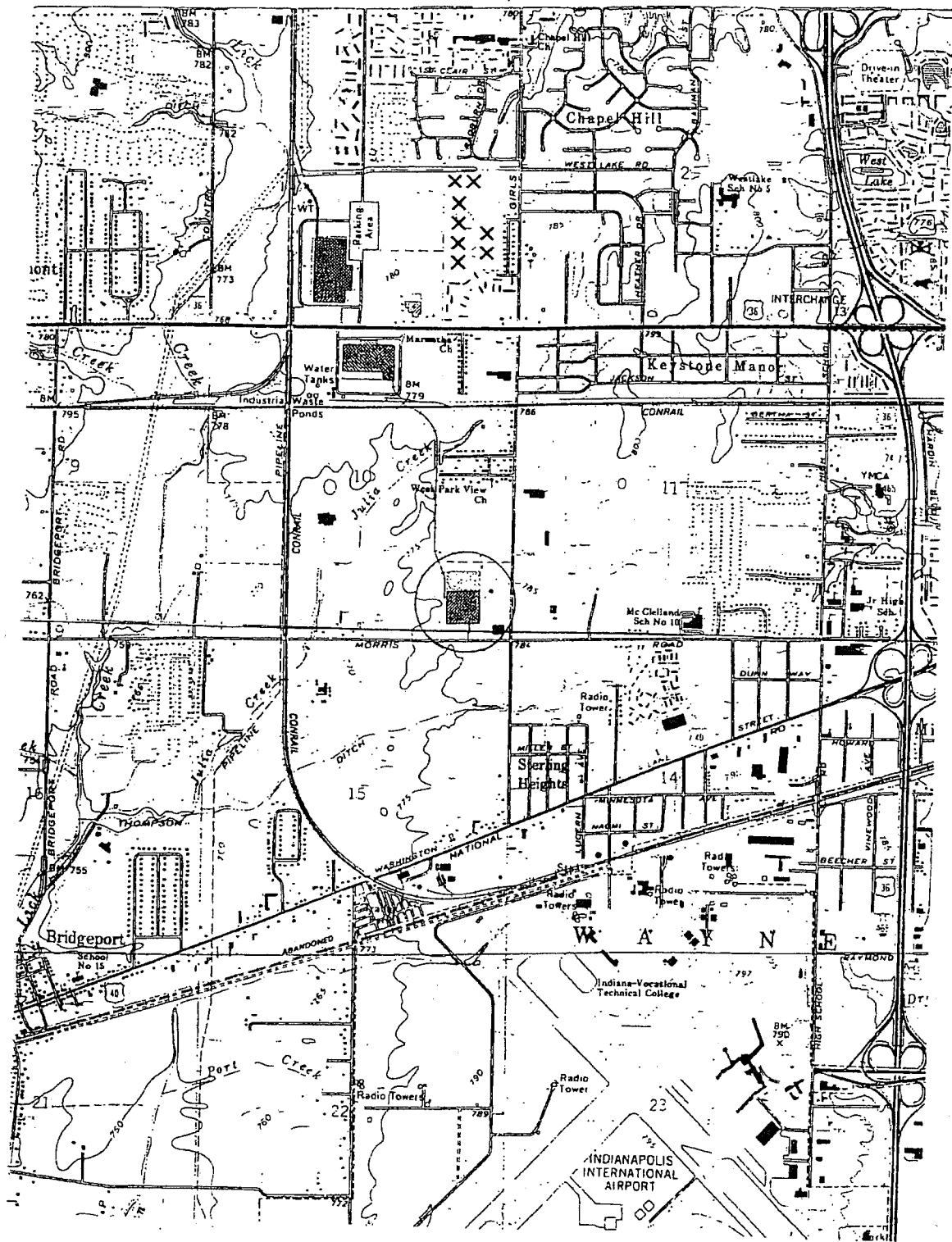
- [2] Monitoring of effluent parameters is required daily during periods of discharge. Three (3) individual samples taken at equally spaced time intervals for the duration of the discharge within a 24-hour period. Each sample is individually analyzed and the arithmetic mean of the concentrations reported as the value for the 24-hour period.

G. Storm Water Pollution Prevention Plan (SWPPP)

According to 40 CFR 122.26(b)(14)(iii) and 327 IAC 15-6-4 (2)(J)(xviii), facilities classified as Standard Industrial Code (SIC) code 3341 - Lead Smelting and Refining of Nonferrous Metals are considered to be engaging in 'industrial activity' for purposes of 40 CFR 122.26(b). Therefore, the facility is required to have all storm water discharges associated with industrial activity permitted.

The facility submitted a SWPPP on March 7, 2002 in accordance with Part I.D. of the permit effective on February 1, 1999. Any changes of the storm water discharge at the facility must be duly noted and the SWPPP updated to address the changes.

Attachment I



Post Public Notice Addendum
January, 2005

Comments were received from Robert A. Kelsey of Quemetco, Inc. concerning National Pollutant Discharge Elimination System (NPDES) Permit No. IN0053171 in a letter dated January 21, 2005. A response to those comments from the Indiana Department of Environmental Management (IDEM) Office of Water Quality (NPDES) Permit Section is indicated in **bold**. A copy of the comments are at the end of the fact sheet in the permit

Comment #1:

The permittee requests the removal of the language in the permit referring to "Quemetco may only discharge if the precipitation event is in excess of the 10-year, 24-hour precipitation event." They want the following language instead, "The permittee may discharge impounded storm water in order to prevent an unauthorized release." For example, a series of storm events occurring over a period of several days which by themselves would not equate to a 10-year, 24-hour precipitation event, but when combined would exceed a 10-year, 24-hours precipitation event volume.

Response to Comment #1:

Allowing a discharge to occur under conditions that are considered to be less stringent than the conditions in the existing permit is considered to be backsliding. The requested language change contradicts the intent of the requirement to prevent a discharge unless there is a 10 year, 24-hour precipitation event.

Quemetco must demonstrate that one of the conditions in 327 IAC 5-2-10(11)(B) is applicable before the permit requirement restricting the discharge can be modified to be less stringent. An example of a series of storms that together exceed the holding capacity of the storm water collection system was given as a reason for allowing discharges to occur when there has not been a 10 year, 24-hour storm event. 327 IAC 5-2-10(11)(B)(iii) seems to address this situation, but it has not yet been demonstrated that there is no reasonable available remedy.

Quemetco does have the ability to use Part II.B.2, Bypass of Treatment Facilities, whenever the amount of precipitation exceeds the holding capacity of collection system. Although Quemetco does not have an on-site treatment system, it does send the storm water to the city of Indianapolis for treatment. The use of the bypass provisions also require Quemetco to demonstrate that there were no feasible alternatives to the bypass.

The permit will not be modified to include the requested language change.

Comments #'s 2 through #15 consist of typographical errors in the permit and fact sheet:

Response to Comments #'s 2 thru #15:

IDEM concurs with permittee and made the appropriate changes in the permit and fact sheet .

Comment #16:

The permittee requests changes in the public notice.

Response to Comment #16:

IDEM cannot retroactively change a public notice comment due to the fact it was published in a newspaper at least 30 days before the comments were received at IDEM.

**STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

PUBLIC NOTICE NO. 2005-2G-F

DATE OF NOTICE: February 21, 2005

The Office of Water Quality issues the following **NPDES FINAL PERMIT**:

MAJOR - RENEWAL

QUEMETCO INC., 7870 W. Morris St., Indianapolis, IN, Permit No. IN0053171, MARION COUNTY. This industrial facility discharges a variable amount of storm water into Julia Creek. Permit Writer: Joe Gwinn at 317/233-8769.

APPEAL PROCEDURES FOR FINAL PERMITS

The Final Permit is available for review & copies at IDEM, Indiana Government Center, North Bldg, 100 N Senate Ave, Indianapolis, IN, Rm 1203, Office of Water Quality/NPDES Permit Section, from 9 - 4, M - F (copies 10¢ per page). Visitors must sign in at the reception desk, just off the west elevators. The Final Permit is also on file with the local County Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days after the mailing date of this notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant, a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be either: (1) received by the Office of Environmental Adjudication (OEA) no later than 18 days from the notice mailing date; (2) postmarked no later than 18 days from the notice mailing date; or (3) received by private carrier no later than 18 days from the notice mailing date as shown by receipt issued by the carrier.

This Petition for Administrative Review represents a request for an Adjudicatory Hearing and must also:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC - North Building- Rm 1049
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition(s) are filed within eighteen (18) days of the mailing of this notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen(15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined herein. Procedural or scheduling questions should be directed to the OEA at the phone listed above.